

REMARKS

Status of the Claims

Claims 1, 5, 6, 10, 12 and 14-25 are now present in this application. Claims 1, 10 and 24 are independent. Claims 3, 8, 9 and 26 are newly canceled. Claims 2, 4, 7 and 13 were previously canceled.

Claims 1 and 24 have been amended to recite the subject matter of canceled claim 26. Also, the specification has been amended to delete redundant chemical compounds which are recited under a different name. No new matter has been added by way of the above-amendment.

Request for Entry of Response After Final Rejection

This response should be entered after final rejection because this amendment merely incorporates the subject matter into the independent claims which the Examiner has already determined is allowable.

In the event that this response does not place this application into condition for allowance, the Examiner is requested to enter this response because it places the application into better condition for appeal.

Issues under 35 U.S.C. § 102(e) and 103(a)

The following rejections are pending:

- (A) Claims 8-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Suwa et al. '887 (US 6,692,887) as evidenced by Watanabe et al. '825 (US 2002/0150825);
- (B) Claims 1, 3, 5-6, 16, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jayaraman et al. '499 (US 6,451,499) in view of Imai et al. '880 (US 2002/0012880) or Aoai et al. '485 (US 6,245,485); and
- (C) Claims 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jayaraman et al. '499 in view of Imai et al. '880 and Aoai et al. '485 in further view of Suwa et al. '887.

Applicants respectfully traverse the rejections.

Without conceding that the rejections are proper, but rather to advance prosecution, Applicants have canceled claims 8-9 and have incorporated the subject matter of a claim which is not currently under rejection (claim 26) into independent claims 1 and 24, thereby rendering all prior art based rejections moot.

Allowable Subject Matter

Applicants note with appreciation that the Examiner has indicated that claims 10-12, 14-15, and 20-23 are allowed, and that claims 25-26 would be allowable if rewritten into independent form.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.


In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: JUN 14 2010

Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

GARTH M. DAHLEN
USPTO #43,575